

**FILED
UNDER
SEAL**

Prob12C
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Rev. March 2017

United States District Court
for
the District of Nevada

PETITION FOR WARRANT
FOR OFFENDER UNDER SUPERVISION

Name of Offender: **Mark Ogg**

Case Number: **2:22CR00111**

Name of Sentencing Judicial Officer: **Honorable J. Daniel Breen**

Date of Original Sentence: **September 23, 2016**

Original Offense: **Conspiracy to Distribute and Possess with Intent to Distribute Fentanyl**

Original Sentence: **78 Months prison, followed by 36 Months TSR.**

Date Supervision Commenced: **May 28, 2021**

Date Jurisdiction Transferred to District of Nevada: **March 3, 2023**

Name of Assigned Judicial Officer: **Honorable Richard F. Boulware**

PETITIONING THE COURT

☒ To issue a warrant.

The probation officer believes the offender has violated the following condition(s) of supervision:

- .
1. **Refrain From Unlawful Use of Controlled Substance** - The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually. Revocation is mandatory for refusal to comply.

A. Mr. Ogg. failed to report for drug/alcohol testing on the follow dates:
 - June 25, 2021
 - August 15, 2021

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- August 23, 2021
- September 11, 2021
- September 23, 2021
- November 13, 2021
- November 26, 2021
- January 14, 2022
- June 8, 2022
- June 25, 2022
- May 20, 2023
- May 22, 2023
- May 31, 2023
- June 10, 2023
- July 19, 2023
- July 31, 2023
- August 14, 2023
- August 21, 2023
- September 6, 2023
- September 11, 2023
- September 18, 2023

B. Mr. Ogg tested positive for the use of methamphetamine on the following dates:

- May 23, 2023
- May 25, 2023
- July 20, 2023
- August 29, 2023

2. **Substance Abuse Treatment** – The defendant shall participate in drug and alcohol testing and treatment as deemed necessary by the probation officer.

On August 9, 2023, Mr. Ogg was a no show for his substance abuse assessment at Community Counseling Center. Mr. Ogg was scheduled for a second appointment on September 11, 2023, at 10 a.m. Mr. Ogg reported at 2 p.m. on September 11, 2023, versus his appointment time of 10 a.m. The assessment was rescheduled again for September 13, 2023. Again, Mr. Ogg was a no show for his appointment. Mr. Ogg was scheduled for a fourth appointment on September 20, 2023, Mr. Ogg failed to show for his scheduled assessment. The undersigned officer was informed that Community Counseling Center will no longer schedule Mr. Ogg for an assessment at their facility due to him having four (4) no call, no show appointments.

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U.S. Probation Officer Recommendation:

The term of supervision should be:

☒ Revoked

I declare under penalty of perjury that the
information contained herein is true and correct,

Executed on September 25, 2023



Digitally signed by Erica
Denney
Date: 2023.09.25 11:42:30
-07'00'

Erica Hogans
U.S. Probation Officer

Approved:



Digitally signed by Joy
Gabonia
Date: 2023.09.25 09:32:55
-07'00'

Joy Gabonia
Supervisory United States Probation Officer

THE COURT ORDERS

- ☐ No Action.
☐ The issuance of a warrant.
☒ The issuance of a summons.
☐ Other:



Signature of Judicial Officer

September 26, 2023

Date

RE: Mark Ogg

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**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
UNITED STATES V. MARK OGG, 2:22CR00111**

SUMMARY IN SUPPORT OF PETITION FOR WARRANT

September 25, 2023

On September 23, 2016, Mr. Ogg was sentenced by the Honorable J. Daniel Breen in the Western District of Tennessee to 78 months custody followed by three (3) years' supervised release for committing the offense of Conspiracy to Distribute and Possess with Intent to Distribute Fentanyl. Mr. Ogg commenced supervised release in the District of Nevada on May 28, 2021. Jurisdiction was transferred to District of Nevada on March 3, 2023.

As indicated in this petition, Mr. Ogg has failed to show for drug/alcohol testing on 21 separate occasions and tested positive for the use of methamphetamine on four (4) separate occasions. It should be noted that Mr. Ogg fails to call the drug testing line daily. In fact, over the past 81 days, Mr. Ogg has failed to call the drug testing line on 33 of those days. Based on Mr. Ogg's refusal to call and report for drug testing is considered a refusal to comply with drug testing as a condition of supervision. Pursuant to 18 U.S.C. § 3583(g)(3) revocation is mandatory for refusal to comply with drug testing imposed as a condition of supervised release.

Between April 2023, and June 2023, Mr. Ogg tested positive for the use of methamphetamine, continued to miss drug/alcohol tests, struggled to maintained employment, and was extremely confrontational with the U.S. Probation Office during every contact. Due to these continued non-compliance issues the undersigned officer scheduled a status hearing with Your Honor.

On June 8, 2023, Mr. Ogg appeared before Your Honor for a status hearing to address his struggles with compliance of his conditions of release. At the conclusion of the hearing, it was understood that Mr. Ogg was to comply with his conditions of release which included substance abuse treatment. Unfortunately, since the conclusion of this hearing, Mr. Ogg has continued to violate his conditions of release failing to report for drug testing on nine (9) occasions and testing positive for methamphetamine on two (2) occasions. It appears that Mr. Ogg continues to have a disregard for his conditions of release.

On August 9, 2023, Mr. Ogg was a no show for his substance abuse assessment at Community Counseling Center. Mr. Ogg's was scheduled for a second appointment September 11, 2023, at 10 a.m. Mr. Ogg reported at 2 p.m. on September 11, 2023, versus his appointment time of 10 a.m. The assessment was rescheduled again for September 13, 2023. Again, Mr. Ogg was a no show for his appointment. Mr. Ogg was scheduled for a fourth appointment on September 20, 2023, Mr. Ogg failed to show for his scheduled assessment. The undersigned officer was informed from that Community Counseling Center will no longer schedule Mr. Ogg for an assessment at their facility due to him having four (4) no call, no show appointments.

For the Court's information, Mr. Ogg was previously convicted of the offenses outlines below:

- (1988) Conspiracy to Distribute Cocaine

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- (1991) Operating a Vehicle While Impaired
- (1995) Driving Under the Influence
- (1999) Petit Theft, Resisting or Obstructing an Officer without Violence
- (1999) Conspiracy to Manufacture Methamphetamine

It is concerning to the probation office that Mr. Ogg would fail to take advantage of the opportunities provided to him and continue to violate the terms of supervision. Mr. Ogg has demonstrated he is either unwilling or unable to comply with the Court's order. Due to his continued violation conduct, it is respectfully recommended a warrant be issued to initiate revocation proceedings.

Respectfully submitted,



Digitally signed by Erica
Denney
Date: 2023.09.25 11:43:40
-07'00'

Erica Hogans
U.S. Probation Officer

Approved:



Digitally signed by Joy Gabonia
Date: 2023.09.25 09:33:30
-07'00'

Joy Gabonia
Supervisory United States Probation Officer